

Date: 1/28/2013 1:21 PM
Subject: MSP NCJA Update-Payroll (Cyborg) Question

Dear NCJA:

This is an update on behalf of the Department of Michigan State Police (MSP), Criminal Justice Information Center (CJIC), Audit & Training Section (ATS). You are receiving this message as you have requested, or agreed, to be added to our ATS Listserv. If you no longer wish to receive updates, or you feel you've received this message in error, please reply to this correspondence with "REMOVE" in the subject line.

During a recent NCJA Compliance Audit Training (provided by the MSP) a question was posed by a participant that sparked an interest for many. At the time ATS was unable to provide an answer, but we now have appropriate guidance.

Question: Payroll and Human Resources share a data base called "Cyborg". All individuals using cyborg have access to the screen showing data fingerprinted for individuals. This is uploaded to the Registered Educational Personnel (REP) and all of Payroll and Human Resources has access to the screens. Is this okay?

Answer: Title 28, Chapter I, Part 20 states "No agency or individual shall confirm the **existence or nonexistence** of criminal history record information to any person or agency that would not be eligible to receive the information itself." No nongovernmental entity may receive CHRI responses unless specifically authorized by federal statute or executive order for a noncriminal justice purpose; a governmental entity authorized by federal statute, executive order, or state statute which has been approved by the US Attorney General to receive CHRI for noncriminal justice purposes. For a school, The Revised School Code is your authorization. Federal and state fingerprints are required for the purpose of employment. Additionally, the school code specifically states access to CHRI is "only for the purpose of evaluating and individual's qualifications for employment or assignment." It is up to each individual agency to determine which personnel within the agency would necessitate access to CHRI and must be able to demonstrate a compelling reason why individuals need this access (the MSP CJIS Systems Officer (CSO) maintains the overall authority to approve or deny access to CHRI).

Therefore...

1. Should the school agency feel it necessary (evaluating an individual's qualifications for employment or assignment) to allow payroll and other human resource employees have access to CHRI it may do so. The school agency must ensure the appropriate security and management controls are implemented and in compliance with applicable federal and state laws for security and management controls (FBI CJIS Security Policy).
2. Should agencies choose to not allow this additional access in reference, the agency is to institute mechanisms to prevent unauthorized access either by limiting viewing capabilities within "Cyborg" or remove such fields all together.

Thank you,

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